SINGLE BENCH

(4)

CF 1002

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. (S) No.899/2007

Petitioner : G.K.Shrivastava, S/o Late B.N.Shrivastava, Aged about 54 years, Presently working as Sub-Divisional Officer, Dongargarh, Forest Department, Distt. Rajnandgaon (C.G.)

P.R. No. 1125/07
Presented by Shri Anupam Das
Date 8/12/07

VERSUS

Respondents :

1) State of Chhattisgarh – Through the Secretary, Forest Department, D.K.S. Bhavan, Raipur (C.G.)

2) The Under Secretary, State of Chhattisgarh, Forest Department, DKS Bhavan, Raipur (C.G.)

3) Shri A.R.Thakur, Asstt. Conservator of Forest, Attached Officer, Kanker, Forest Division Kanker, Distt. Bastar (C.G.)

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WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

HIGH COURT OF JUDICATURE AT BILASPUR (CHHATTISGARH)

Writ Petition (S) No.899 of 2007

25

G.K. Snrivastava

-Versus-

State of Chhattisgarh & Others

Present:

Shri P. Diwakar, Sr. Advocate With Shri P.R. Patankar, Advocate:	For petitioner.
Miss Dipali Pandey, Panel Lawyer:	For the State, on advance copy.

ORAL ORDER

(Passed on 15th February, 2007)

SATISH K. AGNIHOTRI, J.

1. The petitioner has impugned the transfer order dated 4th February, 2007 where-under 18 officers including the petitioner have been transferred from one place to other place in accordance with transfer policy in co-ordination with the Chief Minister.

2. The petitioner has challenged validity of the impugned order on the ground that before declaration of notification for holding Lok Sabha election at Rajnandgaon, these postings are being made, that is not permissible.

3. Contention of the petitioner deserves to be rejected on the simple ground that any order can be passed before notification for holding election. The petitioner alone has not been transferred but 17 other officers have been transferred which indicate that the order has been passed in public interest.

4. Learned counsel for the petitioner submits that there has been frequent transfers on the basis of the fact that after having spent 1½ years at Raigarh, the petitioner was transferred by order dated 14th July 2006 to Dongergarh. By this order after a period of 7 months, he has again been transferred.

5. The transfer within 7 months does not come within the purview of frequent transfers. Thus, this contention also deserves to be rejected. It is well settled principles of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee is

to be posted in the interest of administration and public. This Court has limited jurisdiction to interfere in transfer matters and this Court can interfere only in the case of proved malafide, non-competence of the authority is passing the transfer order, and order not being in conformity with the rules and regulations. None of the above grounds are available to the petitioner.

6. No other ground was raised by the petitioner in this writ petition.

7. Accordingly, the writ petition is dismissed.

Consequently, M.(W.)P. No.550/2007 and I.A. No.1269/2007 stand disposed of.

Sd/-
Satish K. Agnihotri
Judge

Barve